

RECEIPT # 63103w
AMOUNT \$ 250
SUMMONS ISSUED N/A
LOCAL RULE 4.1 _____
WAIVER FORM _____
MCF ISSUED _____
BY DPTY. CLK. 12
DATE 3-30-05

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOREL STEEL ERECTION CORPORATION,

Plaintiff,

v.

CAPCO STEEL CORPORATION,

Defendant (Petitioner for Removal),

and

CANAM STEEL CORPORATION,

Reach-and-apply Defendant (Petitioner for
Removal).

NOTICE OF REMOVAL

05 - 10627 WC

TO: Civil Clerk's Office, United States District Court for the
District of Massachusetts
U.S. Courthouse
One Courthouse Way
Boston, MA 02110

Clerk, Superior Court Department of the Trial Court
Norfolk County Court House
650 High Street
Dedham, MA 02026

Charles A. Roberts, Esq.
Law Offices of Scott W. Wynn
254 Main Street
Charlestown, MA 02129

MAGISTRATE JUDGE Callery

Defendant Capco Steel Corporation ("Capco") and reach-and-apply defendant Canam
Steel Corporation ("Canam"; together with Capco, the "Defendants"), by their undersigned
attorneys, and pursuant to 28 U.S.C. § 1446, give notice that they remove the above-captioned

case presently pending in the Superior Court Department of the Trial Court of Norfolk County, Commonwealth of Massachusetts.

Removal is authorized by 28 U.S.C. § 1441 and is based upon the United States District Court's original jurisdiction over the case pursuant to 28 U.S.C. § 1332, because it is a civil action in which the parties are citizens of different states and, upon information and belief, the amount in controversy exceeds \$75,000, exclusive of interest and costs. In support of this Notice, Defendants state:

A. Background

1. This case was commenced on or about March 22, 2005, when plaintiff Dorel Steel Erection Corporation ("Dorel") filed a complaint in the Superior Court Department of the Trial Court for the Commonwealth of Massachusetts, Norfolk County. Copies of the process, pleadings, and orders served upon Defendants and the docket sheet in the Superior Court action are attached to this Notice as Exhibit 1.

2. Capco was served with a Summons and Restraining Order and a copy of Dorel's Verified Complaint on or about March 24, 2005. Canam was served with the same materials on March 25, 2005. The time within which Defendants are allowed to remove this action to the United States District Court for the District of Massachusetts, pursuant to 28 U.S.C. § 1446, has not expired.

3. Dorel's Verified Complaint asserts claims against Capco breach of contract and quantum meruit. The Verified Complaint asserts a reach-and-apply claim against Canam.

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 because there is diversity of citizenship between the plaintiff and all defendants, none of the

defendants is a citizen of Massachusetts, and defendants, in good faith, believe that the amount in controversy exceeds \$75,000.

B. Diversity of Citizenship

5. Plaintiff Dorel is a Massachusetts corporation with its principal place of business in Quincy, Massachusetts. Dorel is thus a citizen of the Commonwealth of Massachusetts.

6. Defendant Capco is a Rhode Island corporation with its principal place of business in Providence, Rhode Island. Capco is thus a citizen of the State of Rhode Island.

7. Reach-and-apply defendant Canam is a Delaware corporation with its principal place of business in Point of Rocks, Maryland. Canam is thus a citizen of the States of Delaware and Maryland, and there is complete diversity of citizenship between the plaintiff and the defendants in this action.

C. Jurisdictional Amount

8. Dorel's Verified Complaint alleges that Dorel "is owed at least \$400,000.00 by Capco." Verified Complaint at ¶ 12. That amount well exceeds the minimum established under 28 U.S.C. § 1332.

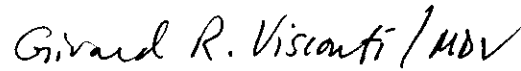
D. Notice to State Court

9. Pursuant to 28 U.S.C. § 1446, a copy of this Notice of Removal will be filed with

the Clerk of the Norfolk Superior Court and served upon counsel for Dorel.

CAPCO STEEL CORPORATION,

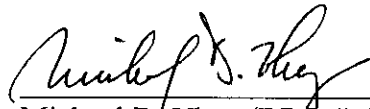
By its attorney,



Girard R. Visconti
VISCONTI & BOREN, LTD.
55 Dorrance Street
Providence, RI 02903
(401) 331-3800 (telephone)
(401) 421-9302 (fax)

CANAM STEEL CORPORATION,

By its attorney,

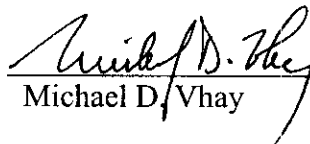


Michael D. Vhay (BBO # 566444)
DLA PIPER RUDNICK GRAY CARY US LLP
One International Place, 21st Floor
100 Oliver Street
Boston, MA 02110-2613
(617) 406-6000 (telephone)
(617) 406-6100 (fax)

Dated: March 30, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Notice of Removal has been served upon counsel for all other parties by U.S. Mail on this 30th day of March, 2005.


Michael D. Vhay

**Commonwealth of Massachusetts
NORFOLK SUPERIOR COURT
Case Summary
Civil Docket**

Dorel Steel Erection Corporation v Capco Steel Corporation

Details for Docket: NOCV2005-00502

Case Information

Docket Number:	NOCV2005-00502	Caption:	Dorel Steel Erection Corporation v Capco Steel Corporation
Filing Date:	03/22/2005	Case Status:	Needs review for service
Status Date:	03/22/2005	Session:	Non Jury-CtRm 8
Lead Case:	NA	Case Type:	Most

Tracking Deadlines

TRK:	A	Discovery:	05/11/2007
Service Date:	06/20/2005	Disposition:	03/21/2008
Rule 15:	06/15/2006	Rule 12/19/20:	08/19/2005
Final PTC:	11/07/2007	Rule 56:	07/10/2007
Answer Date:	08/19/2005	Jury Trial:	NO

Case Information

Docket Number:	NOCV2005-00502	Caption:	Dorel Steel Erection Corporation v Capco Steel Corporation
Filing Date:	03/22/2005	Case Status:	Needs review for service
Status Date:	03/22/2005	Session:	Non Jury-CtRm 8
Lead Case:	NA	Case Type:	Construction dispute

Tracking Deadlines

TRK:	A	Discovery:	05/11/2007
Service Date:	06/20/2005	Disposition:	03/21/2008
Rule 15:	06/15/2006	Rule 12/19/20:	08/19/2005
Final PTC:	11/07/2007	Rule 56:	07/10/2007
Answer Date:	08/19/2005	Jury Trial:	NO

Parties Involved

3 Parties Involved in Docket: NOCV2005-00502

Party Involved: **Role:** Defendant
Last Name: Capco Steel Corporation **First Name:**
Address: **Address:**
City: **State:**
Zip Code: **Zip Ext:**
Telephone:

Party Involved: **Role:** Plaintiff
Last Name: Dorel Steel Erection Corporation **First Name:**
Address: **Address:**
City: **State:**
Zip Code: **Zip Ext:**
Telephone:

Party Involved: **Role:** Reach & Apply Defendant
Last Name: Canam Steel Corporation **First Name:**
Address: **Address:**
City: **State:**
Zip Code: **Zip Ext:**
Telephone:

Attorneys Involved

1 Attorneys Involved for Docket: NOCV2005-00502

Attorney Involved: **Firm Name:**
Last Name: Roberts **First Name:** Charles A
Address: 254 Main Street **Address:** P.O. Box 290009
City: Charlestown **State:** MA
Zip Code: 02129 **Zip Ext:**
Telephone: 781-729-4765 **Tel Ext:**
Fascimile: 781-729-9329 **Representing:** Dorel Steel Erection Corporati
(Plaintiff)

Calendar Events

RECEIVED

MAR 25 2005

DOREL STEEL ERECTION CORPORATION
COMMONWEALTH OF MASSACHUSETTS
CAPCO STEEL DIVISION

Norfolk, SS.

Trial Court of the Commonwealth
Superior Court Department
Civil Action no.

Dorel Steel Erection Corporation)
Plaintiff)
)
vs.)
)
Capco Steel Corporation)
Defendant)
and)
)
Canam Steel Corporation)
Reach and Apply Defendant)

Verified Complaint

Count I - Breach of Contract

1. Dorel Steel Erection Corporation ("Dorel") is a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts and maintains its principal place of business at 33 Fayette Street, Quincy, Massachusetts.
2. Capco Steel Corporation ("Capco") is a corporation duly organized and existing under the laws of the State of Rhode Island and maintains its principal place of business at 33 Acorn Street, Providence, Rhode Island.
3. In an agreement entitled "Memorandum of Understanding" ("the Contract") dated July 19, 2001, Capco entered into a contract with Dorel and two other parties: James F. Stearns Company ("Stearns") and Prime Steel Corporation ("Prime").
4. This contract recited that Capco had entered into a subcontract with Canam Steel Corporation to perform certain construction work on a building identified therein as the "Boston Convention and Exhibition Center" ("the Project").
5. It further recited that Capco was thereby entering into sub-subcontracts with Dorel, Stearns and Prime whereby each of the four companies (Capco, Dorel, Stearns and Prime) would perform one-quarter of the work of the Canam/Capco subcontract on the Project in exchange for \$8,750,000.00 each.
6. Pursuant to paragraph 4.3 of the Contract, Capco was to be the "Administrative Project Manager" of the Project.

7. Pursuant to paragraph 3 of the Contract all laborers on the Project were to be employees of Capco.
8. Pursuant to paragraph 6 of the Contract, Capco was to keep the books and records for the Project. Pursuant to subparagraph 6.1, an audit was to be made at the completion of the Project.
9. Pursuant to paragraph 7 of the Contract, interim distributions were to be made for expenses and at the conclusion of the Project profits or losses were to be determined and apportioned and paid within sixty days of the completion of the Project.
10. Dorel has completed its work upon the project and, upon information and belief, so have the other sub-subcontractors. More than sixty days have elapsed since final completion.
11. Capco has refused or neglected to provide a full and final accounting to Dorel.
12. According to incomplete accountings provided by Capco to Dorel, Dorel believes that it is owed at least \$400,000.00 by Capco.

Wherefore, Dorel Steel Erection Corporation demands an accounting from Capco Steel Erection Corporation and judgment for the appropriate amount pursuant to their agreement.

Count II - *Quantum Meruit*

13. Paragraphs one through ten of Count I are republished herein as though written out in full.
14. Dorel delivered certain goods to and performed certain services for Capco on the Project, which accepted and made use of same.
15. Client is therefore entitled to recover said sum from Capco on the theory of *quantum meruit*.

Wherefore, Dorel demands judgment from Capco in the amount of its damages plus costs and interest.

Count Three — Reach and Apply Relief

16. The Reach and Apply Defendant, Canam Steel Corporation, ("Canam") is an corporation organized and existing under the laws of the State of Delaware and maintains a place of business at 4010 Clay Street, P.O. Box C-285, Point of Rocks, MD 21777.

17. According to the records of the Department of Corporations of the Secretary of the Commonwealth, Canam has registered to do business within the Commonwealth and has designated CT Corporation System of 1010 Federal Street, Boston, MA 02110, as its Resident Agent to accept service of process.
18. The Plaintiff is informed and believes that Capco is or will become owed money from Canam for the Project and possibly on other projects. Said assets are not subject to attachment or to be taken on execution.
19. Pursuant to G.L. c. 213, §3(6), the Plaintiff seeks to reach and apply any such funds due or to become due from Canam.
20. The Plaintiff is reliably informed and believes that Capco has failed or refused to pay other suppliers of labor and/or materials on this and other projects and knows that Capco has failed or refused to pay Dorel on this and several other projects.
21. The Plaintiff would suffer immediate and irreparable injury, loss, or damage should the temporary restraining order/preliminary injunction sought herein is not granted.
22. The Plaintiff does not have an adequate remedy at law.

Wherefore, the Plaintiff prays that this Honorable Court provide the following relief.

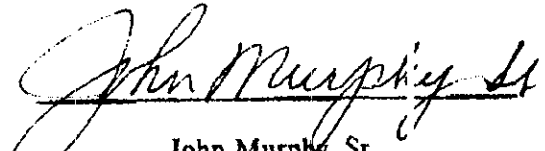
- A. enter judgment for Dorel Steel Erection Corporation against Capco Steel Corporation in the amount of \$400,000.00 or in such other sum as determined by the Court;
- B. issue a temporary restraining order prohibiting the reach and apply defendant, Canam Steel Corporation from paying or in any way withdrawing, assigning, encumbering, or alienating any of the funds due or to become due to the Defendant, Capco Steel Corporation;
- C. after notice and hearing, issue a preliminary injunction prohibiting the reach and apply defendant, Canam Steel Corporation from paying or in any way withdrawing, assigning, encumbering, or alienating any of the funds due or to become due to the Defendant, Capco Steel Corporation;
- D. determine the amount due from Capco Steel Corporation to Dorel Steel Erection Corporation to be \$400,000.00 or such other sum as determined by the Court plus costs and attorney's fees;
- E. order that said amount be reached and applied in satisfaction of the indebtedness from Capco Steel Corporation to Dorel Steel Erection Corporation.

F. for such further relief as to the Court may seem meet and just.

Verification

I, John Murphy, Sr., do hereby swear under pain and penalties of perjury that I am the president Plaintiff herein, that I have read the foregoing Complaint, and that the allegations contained therein are true to the best of my knowledge, information, and belief.

Signed this 21st day of March, 2005.

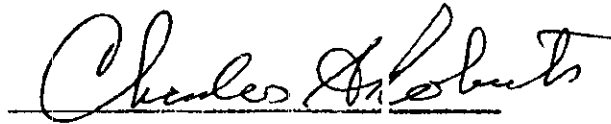


John Murphy, Sr.,
President of Dorel Steel Erection Corporation

Commonwealth of Massachusetts
County of Norfolk, SS.

March 21, 2005

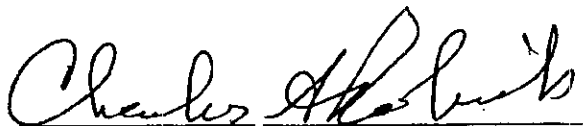
Then personally appeared the above-named individual and made oath that the statements contained herein are true to the best of his knowledge, information, and belief.



Notary Public
My Commission Expires:

8/14/09

By Its Attorney,

A handwritten signature in cursive script, appearing to read "Charles A. Roberts", written over a horizontal line.

Charles A. Roberts, Esq.
BBO No. 422200
Law Offices of Scott W. Wynn
BBO No. 551063
254 Main Street
P.O. Box 290009
Charlestown, MA 02129
Telephone (617) 241-5544
Telefax (617) 242-7675

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

Trial Court of the Commonwealth
Superior Court Department
Civil Action no.

Dorel Steel Erection Corporation
Plaintiff

VS.

Capco Steel Corporation
Defendant

and

Canam Steel Corporation
Reach and Apply Defendant

**Affidavit in Support of
Plaintiff's Motion for Temporary Restraining Order**

Now comes the below-signed affiant and under pain and penalties of perjury does depose and say:

1. I am the president of the Plaintiff in this action.
2. The Defendant owes the Plaintiff the amount sought in the Verified Complaint herein.
3. I am unaware and do not believe that there is any liability insurance which may be available to pay any part of this amount.
4. To the best of my knowledge, information, and belief, the Defendant has no valid defense to this action, and there is a reasonable likelihood that the Plaintiff will recover judgment, including costs and interest, in at least the amount of the attachment.
5. To the best of my knowledge, information, and belief, there is a clear danger that the Defendant, if notified in advance of the attachment, will withdraw his funds from the custody and possession of the Trustee and will conceal or dissipate them. In support of this contention, the Plaintiff states that the Defendant has refused or neglected to pay the amount demanded by the Plaintiff despite numerous demands.

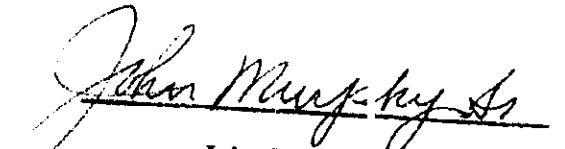
02/28/2005 14:12 617242767E

SCOTT W WYNN

PAGE 09

Signed this 21st day of March, 2005,

under pain and penalties of perjury.


John Murphy, Sr.,
President of Dorel Steel Erection Corporation

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

Trial Court of the Commonwealth
Superior Court Department
Civil Action no.

**Dorel Steel Erection Corporation
Plaintiff**

VS.

Capco Steel Corporation
Defendant

and

Canam Steel Corporation
Reach and Apply Defendant

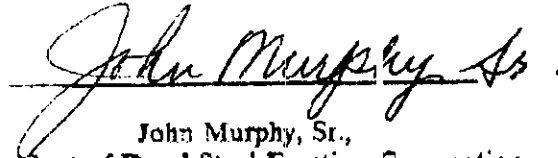
**Affidavit in Support of
Plaintiff's Motion for Preliminary Injunction**

Now comes the below-signed affiant and under pain and penalties of perjury does depose and say:

1. I am the president of the Plaintiff in this action.
2. The Defendant owes the Plaintiff the amount sought in the Verified Complaint herein.
3. I am unaware and do not believe that there is any liability insurance which may be available to pay any part of this amount.
4. To the best of my knowledge, information, and belief, the Defendant has no valid defense to this action, and there is a reasonable likelihood that the Plaintiff will recover judgment, including costs and interest, in at least the amount of the attachment.
5. To the best of my knowledge, information, and belief, there is a clear danger that the Defendant, if notified in advance of the attachment, will withdraw his funds from the custody and possession of the Trustee and will conceal or dissipate them. In support of this contention, the Plaintiff states that the Defendant has refused or neglected to pay the amount demanded by the Plaintiff despite numerous demands.

Signed this 23rd day of May, 2005,

under pain and penalties of perjury.



John Murphy, Sr.,
President of Dorel Steel Erection Corporation

COMMONWEALTH OF MASSACHUSETTS

Norfolk, SS.

Trial Court of the Commonwealth
Superior Court Department
Civil Action no. 05-502

Dorel Steel Erection Corporation)
Plaintiff)
vs.)
Capco Steel Corporation)
Defendant)
and)
Canam Steel Corporation)
Reach and Apply Defendant)

Notice of Hearing for Plaintiff's Motion for Preliminary Injunction

1. You are hereby notified that a Complaint has been filed in this Court by the Plaintiff seeking judgment against you.
2. You are also hereby notified that a Motion has been filed by the Plaintiff for a Temporary Restraining Order, a copy of which is included herewith, by the Court.
3. A copy of Motion for Preliminary Injunction with its appended Affidavit is herewith served upon you.
4. Said Motion has been marked for hearing before the Court on March 31, 2005, at 2:00 p.m., in the motion session of the above-named court.
5. You are entitled to appear at said time and place to be heard on the allowance or denial of this Motion.
6. You are hereby informed that by appearing to be heard on this Motion for Preliminary Injunction you will not thereby submit yourself to the jurisdiction of the Court, nor waive service of the Summons and Complaint upon you in the manner provided for by law.

RECEIVED

MAR 25 2005

STEEL CORPORATION
STEEL DIVISION

By Its Attorney,

A handwritten signature in cursive script, appearing to read "Charles A. Roberts", written over a horizontal line.

Charles A. Roberts, Esq.
BBO No. 422200
Law Offices of Scott W. Wynn
BBO No. 551063
254 Main Street
P.O. Box 290009
Charlestown, MA 02129
Telephone (617) 241-5544
Telefax (617) 242-7675

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

SUPERIOR COURT
CIVIL ACTION

NO. 05-502

DOREL STEEL ERECTION CORPORATION, Plaintiff(s)

v.

CAPCO STEEL CORPORATION, Defendant(s)

CANAM STEEL CORPORATION, Reach and Apply Defendant

SUMMONS AND RESTRAINING ORDER

To the above-named Defendant:

You are hereby summoned and required to serve upon Charles A. Roberts, Esq. of, Law Office of Scott W. Wynn, 254 Main St, PO Box 290009, Charlestown, MA 02129, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Dedham either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

WE ALSO NOTIFY YOU that application has been made in said action, as appears in the complaint, for a preliminary injunction and that a hearing upon such application will be held at the court house at said Dedham — ~~at Boston in the county of Suffolk~~ in the first session with-
out jury of our said court on Thursday the 1st day of March A.D. 2005 at 2:00 P.M. o'clock ~~A.M.~~, at which you may appear and show cause why such application should not be granted.

In the meantime, until such hearing, WE COMMAND YOU, said Defendant and your agents, attorneys and counsellors, and each and every one of them, to desist and refrain from

(SEE ATTACHED)

SUZANNE V. DE VECCHIO, Esquire
WITNESS, ROBERT L. STERNBERG, Esquire, at

the _____ day of _____, in the year of our Lord one thousand
~~nine hundred and ninety~~

RECEIVED

NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT
CIVIL ACTION
NO. 05-502

Dorel Steel Erection Corp.
Plaintiff

Vs.

Capco Steel Corp.
Defendant

And

Canam Steel Corp.

Reach and Apply
Defendant

TEMPORARY RESTRAINING ORDER

This action came before Murphy, J. ex parte. Upon consideration,

IT IS ORDERED THAT:

The Reach and Apply Defendant, Canam Steel Corp., is Temporarily Restrained from paying, or in any way, withdrawing, assigning, encumbering, or alienating any of the funds due, or to become due, to the Defendant, Capco Steel Corp.

UNTIL ~~Wednesday~~ ^{THURSDAY} ~~March 22~~ ³¹, 2005 at 2:00 p.m..

By the Court (Murphy, J.)

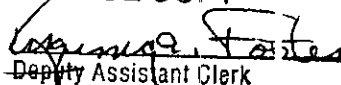
Entered:

Mar 22, 2005


Assistant Clerk

A TRUE COPY

Attest:


Deputy Assistant Clerk

3/22/05

The JS 44 civil cover sheet and the information contained hereon neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DOREL STEEL ERECTION CORPORATION

DEFENDANTS

CAPCO STEEL CORPORATION, CANAM STEEL CORPORATION

(b) County of Residence of First Listed Plaintiff Norfolk
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Charles A. Roberts
Law Offices of Scott W. Wynn
P.O. Box 290009
Charlestown, MA 0129
(617) 241-5544

Attorneys (If Known)
Girard R. Visconti (for Capco), Visconti & Boren, Ltd., 55 Dorrance Street, Providence, RI 02903 (401) 331-3800

Michael D. Vhay (for Canam), DLA Piper Rudnick Gray Cary US LLP, One International Place, Boston, MA 02110 (617) 406-6000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in one Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities—Employment <input type="checkbox"/> 446 Amer. w/Disabilities—Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
Transferred from ☐ 5 another district (specify) _____
☐ 6 Multidistrict Litigation
Appeal to District ☐ 7 Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Removal of Contract Action (28 USC 1441); Diversity Jurisdiction (28 USC 1441)

Brief description of cause:

Breach of construction contract

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$400,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE
3/30/05

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) Dorel Steel Erection Corporation v. Capco Steel Corporation
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☐ I. 160,410,470, R.23, REGARDLESS OF NATURE OF SUIT.
- ☐ II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950. *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- ☒ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☐ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
None
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)
YES ☐ NO ☒
- If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?
YES ☐ NO ☐
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
YES ☐ NO ☒
7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1 (d)).
YES ☒ NO ☐
- A. If yes, in which division do all of the non-governmental parties reside?
Eastern Division ☒ Central Division ☐ Western Division ☐
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
Eastern Division ☐ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
YES ☒ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Michael D. VhayADDRESS DLA Piper Rudnick Gray Cary US LLP, One International Place, Boston, MA 02110TELEPHONE NO. 617-406-6000